

THE
REVISED STATUTES

OF
ONTARIO 1887,

BEING A
CONSOLIDATION OF THE REVISED STATUTES OF ONTARIO,
1877, WITH THE SUBSEQUENT PUBLIC
GENERAL ACTS OF THE
LEGISLATURE OF ONTARIO.

VOL. I.



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6. STATISTICS.

CHAP. 40.—REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS, p. 429.

CHAPTER 40.

An Act respecting the Registration of Births, Marriages and Deaths.

INTERPRETATION, s. 1.	REGISTRAR-GENERAL TO ARRANGE RETURNS, s. 22.
PROVINCIAL SECRETARY TO BE REGISTRAR-GENERAL, s. 2.	SEARCHES OR EXTRACTS MAY BE MADE, s. 23.
REGISTRATION DIVISIONS AND DIVISION REGISTRARS, ss. 3, 4.	REGISTRAR-GENERAL TO PUBLISH A GENERAL REPORT OF RETURNS, s. 24.
FORMS TO BE FURNISHED, s. 5.	LIEUTENANT-GOVERNOR IN COUNCIL MAY MAKE RULES AS TO OBTAINING STATISTICAL INFORMATION, s. 25.
ANNUAL RETURNS TO BE MADE, s. 6.	INSPECTION OF REGISTRATION OFFICES, s. 26.
CLERGYMEN TO KEEP REGISTRY OF BAPTISMS, MARRIAGES AND DEATHS, s. 7.	PENALTY FOR FALSE STATEMENTS IN REPORTS, etc., s. 27.
REGISTRATION OF BIRTHS, ss. 8-12.	PENALTY FOR NEGLECT TO REPORT, s. 28.
REGISTRATION OF MARRIAGES, s. 13.	PROCEDURE ON COMPLAINTS, s. 29.
REGISTRATION OF DEATHS, ss. 14-19.	FEES OF REGISTRARS, s. 30.
CORRECTION OF ERRORS IN ENTRIES s. 20.	
PENALTY FOR DIVISION REGISTRAR FAILING TO PERFORM DUTY, s. 21.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The term “occupier,” used in sections 8 and 14 of this Act, shall be construed to include the Master, Governor, Keeper, Warden or Superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution. R. S. O. 1877, c. 36, s. 1.

2. For the purposes of this Act the Provincial Secretary shall be the Registrar-General of the Province. R. S. O. 1877, c. 36, s. 2.

Interpretation.
“Occupier.”
Prov. Secretary to be Registrar-General.

Registration
Divisions and
Division
Registrars.

3. For the purposes of this Act, every city, town, incorporated village, township or union of townships, shall be a Registration Division; and the clerks of such municipalities shall be Division Registrars; but this section shall not apply to any municipality within any of the districts referred to in the next succeeding section. R. S. O. 1877, c. 36, s. 3.

Appointment
of Registrars
in Algoma and
other districts.

4. The Lieutenant-Governor in Council may appoint such Division Registrars in the existing Districts of Algoma, Nipissing, Thunder Bay, Rainy River, Muskoka and Parry Sound, and also any Territorial Districts hereafter formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein, until municipal organizations are formed. 48 V. c. 12, s. 1.

Forms for Re-
registrars.

5. The Registrar-General shall procure the necessary forms for the Division Registrars, and the same shall be prepared according to Schedules A, B and C, appended to this Act, with such additional columns as may from time to time be added thereto by the Lieutenant-Governor in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue fund of the Province. R. S. O. 1877, c. 36, s. 5.

Returns of
entries.

6. Every Division Registrar shall receive the forms sent by the Registrar-General, and keep the same in a place of safety; make all entries therein as hereinafter required in this Act; and shall on or before the 15th days of January and July in each and every year, make returns to the Registrar-General of the forms containing the original entries, certified under his hand, of the births, marriages and deaths of the previous six months. R. S. O. 1877, c. 36, s. 6.

Clergymen,
etc., to keep
a registry of
baptisms, mar-
riages and
deaths.

7. Every clergyman, teacher, minister or other person authorized by law to baptize, marry or perform the funeral service in Ontario, shall keep a registry shewing the persons whom he has baptized or married, or who have died within his cure and belonging to his congregation. R. S. O. 1877, c. 36, s. 7.

Notice of birth
to be given.

8. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the nurse present at the birth, shall, within thirty days from the date of the birth, give notice thereof to the Registrar of the Division in which the child was born, giving as far as possible the particulars required in Schedule A, with such addi-

tional information as may be required by the Registrar-General from time to time, which particulars shall be entered by the Division Registrar in his book. R. S. O. 1877, c. 36, s. 8.

9. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children, the Division Registrar shall write the word "*Illegitimate*" in the column set apart for the name of the child, and immediately under the name, if any. R. S. O. 1877, c. 36, s. 9.

Registry of
births of ille-
gitimate chil-
dren.

10. Every registration of a birth shall be made within the time aforesaid; but nothing herein contained shall prevent the subsequent registration of such birth within the period of two years. R. S. O. 1877, c. 36, s. 10; 44 V. c. 4, s. 3.

Time for re-
gistration.

11. After the expiration of two years next after the birth of a child, the birth shall not be registered except with the written authority of the Registrar-General, and the fact of such authority having been given shall be entered in the column set apart for remarks in Schedule A. 44 V. c. 4, s. 4.

Provision for
registration of
birth after ex-
piration of two
years.

12. When the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given to it, the parent or guardian of the child or other person procuring the name to be altered or given, may, within two years next after the registration of the birth, deliver to the Registrar-General a certificate signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered, and the Registrar-General shall upon the receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry, without making any alteration in the entry. 44 V. c. 4, s. 2.

Alteration of
name after re-
gistration, how
made.

13. Every clergyman, minister or other person authorized by law to celebrate marriages, shall be required to report every marriage he celebrates to the Registrar of the Division within which the marriage is celebrated, within ninety days from the date of the marriage, with the particulars required by Schedule B, appended to this Act, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by the Division Registrar of the Division in which he resides with blank forms containing the particulars required by Schedule B. R. S. O. 1877, c. 36, s. 11.

Particulars as
to marriage to
be furnished.

Registrar to
furnish forms.

Particulars as to death to be furnished to Registrars.

14. The occupier of the house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the Coroner who attended any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the Division in which the death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act. R. S. O. 1877, c. 36, s. 12.

Certificate of registry of death.

15. Every Division Registrar shall, immediately upon registering any death, or as soon thereafter as he is required so to do, without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate according to the form of Schedule D appended to this Act, that the particulars of such death have been duly registered. R. S. O. 1877, c. 36, s. 13.

Return to be made by minister, etc., officiating at funeral unless he has received certificate of Registrar of deaths.

16. Every minister or other person who buries or performs any funeral or religious service for the burial of any dead body, unless he has received a certificate under the hand of the Registrar of the Division in which the death took place, according to the Schedule D to this Act annexed, that the particulars of the death have been duly registered, shall make a return of the death according to Schedule C to this Act annexed, to the Registrar of the Division in which the death took place, within seven days after the burial, unless within the time aforesaid the minister or other person gives to the Registrar a written notice under his hand stating, according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in the said Schedule C. R. S. O. 1877, c. 36, s. 14; 42 V. c. 12, s. 1.

Medical practitioners to certify to Registrars as to death.

17. Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall, within ten days after having notice or knowledge of the death of such person, transmit to the Division Registrar of the Division in which the death took place, a certificate under his signature of the cause of death, according to the form of Schedule E appended to this Act, to be provided by the said Division Registrar, who shall be furnished with such forms; and it shall be the duty of every such medical practitioner to apply to the said Division Registrar for blank forms for that purpose, and upon the receipt of the certificate from the medical practitioner, by the Division Registrar, he shall make the entry as to the cause of death of such person according to the fact stated in the certificate. R. S. O. 1877, c. 36, s. 15.

18. After the expiration of two years next after any death, or after the finding of any dead body elsewhere than in a house, that death shall not be registered except with the written authority of the Registrar-General, and the fact of such authority being given shall be entered in the column set apart for remarks in Schedule C. 44 V. c. 4, s. 5.

Provision for registration of death after expiration of two years.

19. Every superintendent or caretaker of any cemetery or burial ground, whether public or private, permitting any dead body to be interred in the grounds over which he has charge, unless he receives a certificate under the hand of the Division Registrar of the Division in which the death took place, that the particulars of the death have been duly registered, shall give to the Division Registrar within seven days after the burial a written notice under his hand, stating according to his knowledge, information and belief, the name and residence of the deceased and the date and place at which the death and burial took place. 44 V. c. 4, s. 7, *part*.

Superintendent, etc., of cemetery to notify Registrar in certain cases.

20. If within one year after the entry of any birth, marriage or death, it is discovered that any error has been made in the entry, then upon the same being reported to the proper Division Registrar within the time aforesaid, it shall be his duty to inquire into the same, and if satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration in the original entry; and having made the correction, he shall, if the original entry of the birth, marriage or death so corrected has been returned as hereinbefore provided, report the same, according to the facts of the case, to the Registrar-General, whose duty it shall be to correct the erroneous entry in the margin of the book or form containing the original entry. R. S. O. 1877, c. 36, s. 16.

Correction of errors—Report to Registrar-General.

21. If any Division Registrar refuses or neglects to perform the duties required of him by this Act as Division Registrar, he shall, for every offence, upon conviction thereof before any Justice of the Peace, forfeit the sum of \$50 to Her Majesty; and it shall be the duty of the County Crown Attorney in each county to prosecute such officials for any refusal or neglect to perform the duties required by this Act, when notified by the Registrar-General, Inspector or other parties. R. S. O. 1877, c. 36, s. 17.

Penalty on Registrar for neglect of duty.

22. The Registrar-General shall cause the original returns of the births, marriages and deaths in each Division, together with all the particulars communicated to him by the Division Registrars, to be arranged, indexed, bound and kept in the office of the Registrar-General. R. S. O. 1877, c. 36, c. 18.

Registrar-General to keep and arrange, etc., returns.

23. All persons shall be entitled, at all reasonable hours, to search these records, and to require and receive extracts duly certified by the Registrar-General or Inspector; which extracts

Search of, and extracts from records—evidence—fees.

shall be evidence of the entry certified, and *prima facie* evidence in any Court in this Province, of the facts therein stated; and for every such certificate the person so requiring the same shall pay a fee of fifty cents. R. S. O. 1877, c. 36, s. 19.

Registrar-General to publish reports.

24. The Registrar-General shall, on or before the first day of July in each year, collate, publish and distribute, for the use of the Legislature, a full report of the births, marriages, and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary. R. S. O. 1877, c. 36, s. 20.

Power to make rules for obtaining information.

25. The Lieutenant-Governor in Council may, from time to time, make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act. R. S. O. 1877, c. 36, s. 21.

Inspector of registration offices.

26. The Lieutenant-Governor in Council may appoint an Inspector, whose duty it shall be to inspect the different Registration Offices throughout the Province, and carefully examine the different Schedules, to see that the entries and registrations are made therein in a proper manner and in legible handwriting. R. S. O. 1877, c. 36, s. 22.

Penalty for false statements.

27. Any person who knowingly or wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any Justice of the Peace, forfeit the sum of \$40. R. S. O. 1877, c. 36, s. 23.

Penalty for neglect to report.

28. If any person required by this Act to report births, marriages, deaths or burials, refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1, nor more than \$20 and costs, in the discretion of the presiding Justice before whom the case is heard; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports: but if the return required by this Act to be made by more than one person is made by any one of such persons, the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting the birth, marriage, death or burial. R. S. O. 1877, c. 36, s. 24; 44 V. c. 4, ss. 6, 7, *part*.

Procedure on complaints.

29. Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine the complaint, and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his

hand and seal ; and, except as provided in section 21, the penalty when recovered shall be paid over by the Justice, one-half to the person complaining and one-half to the local municipality within which the offence is committed ; and, in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days, at the discretion of the Justice, unless the penalty, costs and charges of commitment are sooner paid. R. S. O. 1877, c. 36, s. 25.

30. Every Municipality throughout the Province of Ontario shall pay annually to the Division Registrar appointed under this Act, a fee of ten cents for each birth, marriage and death registered by him under the provisions of this Act, upon receiving from the Inspector a certificate of the number of registrations made by such Registrar. R. S. O. 1877, c. 36, s. 26.

Fees to Registrars.
